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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,094	10/08/2003	Yasushi Kasai	03500.017624.	4435
5514 7590 02/08/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER	
			CUTLER, ALBERT H	
			ART UNIT	PAPER NUMBER
			2609	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	02/08/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/680,094	KASAI, YASUSHI
	Examiner	Art Unit
	Albert H. Cutler	2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 October 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 October 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/08/2003.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This office action is responsive to application 10/680094 filed on October 8, 2003. Claims 1-12 are pending in the application and have been examined by the examiner.

***Information Disclosure Statement***

2. The Information Disclosure Statement (IDS) mailed on December 8, 2003 was received and has been considered by the examiner.

***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

4. The drawings are objected to because of lack of clarity and precision. Reference numeral 510, as specified in paragraph 0056 of the specification, is not shown in figure 5 of the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered

and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Specification**

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet **within the range of 50 to 150 words**. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The disclosure is objected to because of the following informalities: Lack of clarity and precision.

In paragraph 0005 of the specification, "reduction time" should be changed to read "reproduction time". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyazaki(US Patent Application Publication 2002/0033889).

Consider claim 1, Miyazaki teaches:

An image processing apparatus("Digital camera", figures 1 and 2, paragraphs 0047-0061) having a function of reproducing automatically a still image("image", paragraph 049) and a part of a moving image("movie", paragraph 0049) at every

predetermined reproduction time(The image and movie data are played using the digital camera(paragraph 0053). The images and movie are played back at **predetermined** reproduction times  $T_p1$ ,  $T_m$ , and  $T_p2$  in order to correspond with the music playback time  $T_s$  as shown in figure 5, paragraphs 0064-0066. Sometimes only a **part of a moving image** is played, as set by the movie playback time-adjusting section(230, figure 7) in order to correspond with the music, paragraph 0078-0079.), said apparatus comprising:

reproducing means(The user can input settings through a multi-function switch. One of these settings is the playback(i.e. reproduction) time for each movie(i.e. moving image), paragraph 0058.) for reproducing the remaining part of the moving image(Although the movie playback time-adjusting section(230) sets moving image playback time to correspond with the music, the user can change the playback time to play the entire portion of the movie, paragraph 0072. See figure 15, steps 420-440, paragraphs 0110-0112, the user can override the set movie playback time.) when reproduction of the moving image is instructed while the part of the moving image is being reproduced(The new settings for movie playback time set by the user in step 430, figure 15, will take effect when reproduction of the moving image is instructed while the part of the moving image is being reproduced, causing the playback(i.e. reproduction) of the entire moving image as set by the user, paragraphs 0110-0115).

Consider claim 2, and as applied to claim 1 above, Miyazaki further teaches that the function subjects to a still image("image") and a moving image("movie") in a storage

medium(The image data(i.e. still image and moving image data) is stored in the data storing section(30) which could be "non-volatile memory, a volatile memory, or a memory card of a digital camera", paragraph 0051).

Consider claim 3, and as applied to claim 1 above, Miyazaki further teaches that the function subjects to a still image and a moving image in a group(The images are stored in memory(i.e. one group) or transferred from a personal computer(another group), paragraph 0069).

Consider claim 4, and as applied to claim 1 above, Miyazaki further teaches that said image processing apparatus is an image pickup apparatus("digital camera", paragraphs 0048-0050).

Consider claim 4, and as applied to claim 2 above, Miyazaki further teaches that said image processing apparatus is an image pickup apparatus("digital camera", paragraphs 0048-0050).

Consider claim 4, and as applied to claim 3 above, Miyazaki further teaches that said image processing apparatus is an image pickup apparatus("digital camera", paragraphs 0048-0050).

Consider claim 5, Miyazaki teaches:

An image processing method(paragraphs 0047-0115) comprising the steps of: reproducing automatically a still image("image", paragraph 049) and a part of a moving image("movie", paragraph 0049) at every predetermined reproduction time(The image and movie data are played using the digital camera(paragraph 0053). The images and movie are played back at **predetermined** reproduction times Tp1, Tm, and Tp2 in order to correspond with the music playback time Ts as shown in figure 5, paragraphs 0064-0066. Sometimes only a **part of a moving image** is played, as set by the movie playback time-adjusting section(230, figure 7) in order to correspond with the music, paragraph 0078-0079.); and

reproducing also the remaining part of the moving image(Although the movie playback time-adjusting section(230) sets moving image playback time to correspond with the music, the user can change the playback time to play the entire portion of the movie, paragraph 0072. See figure 15, steps 420-440, paragraphs 0110-0112, the user can override the set movie playback time.) when reproduction of the moving image is instructed while the part of the moving image is being reproduced(The new settings for movie playback time set by the user in step 430, figure 15, will take effect when reproduction of the moving image is instructed while the part of the moving image is being reproduced, causing the playback(i.e. reproduction) of the entire moving image as set by the user, paragraphs 0110-0115).

Consider claim 6, Miyazaki teaches:

A recording medium recording a program(An MPEG file that would play the still image and moving image presentation is stored in memory, paragraph 0115. The memory(i.e. recording medium) could be “non-volatile memory, a volatile memory, or a memory card of a digital camera”, paragraph 0051.) for executing an image processing method, said image processing method comprising the steps of:

reproducing automatically a still image(“image”, paragraph 049) and a part of a moving image(“movie”, paragraph 0049) at every predetermined reproduction time(The image and movie data are played using the digital camera(paragraph 0053). The images and movie are played back at **predetermined** reproduction times  $T_{p1}$ ,  $T_m$ , and  $T_{p2}$  in order to correspond with the music playback time  $T_s$  as shown in figure 5, paragraphs 0064-0066. Sometimes only a **part of a moving image** is played, as set by the movie playback time-adjusting section(230, figure 7) in order to correspond with the music, paragraph 0078-0079.); and

reproducing also the remaining part of the moving image(Although the movie playback time-adjusting section(230) sets moving image playback time to correspond with the music, the user can change the playback time to play the entire portion of the movie, paragraph 0072. See figure 15, steps 420-440, paragraphs 0110-0112, the user can override the set movie playback time.) when reproduction of the moving image is instructed while the part of the moving image is being reproduced(The new settings for movie playback time set by the user in step 430, figure 15, will take effect when reproduction of the moving image is instructed while the part of the moving image is

being reproduced, causing the playback(i.e. reproduction) of the entire moving image as set by the user, paragraphs 0110-0115).

Consider claim 7, Miyazaki teaches:

An image processing apparatus("Digital camera", figures 1 and 2, paragraphs 0047-0061) having a function of reproducing automatically a still image("image", paragraph 049) and a part of a moving image("movie", paragraph 0049) at every predetermined reproduction time(The image and movie data are played using the digital camera(paragraph 0053). The images and movie are played back at **predetermined** reproduction times  $T_p1$ ,  $T_m$ , and  $T_p2$  in order to correspond with the music playback time  $T_s$  as shown in figure 5, paragraphs 0064-0066. Sometimes only a **part of a moving image** is played, as set by the movie playback time-adjusting section(230, figure 7) in order to correspond with the music, paragraph 0078-0079.), said apparatus comprising:

reproducing means(The user can input settings through a multi-function switch. One of these settings is the playback(i.e. reproduction) time for each movie(i.e. moving image), paragraph 0058.) for reproducing the moving image(Although the movie playback time-adjusting section(230) sets moving image playback time to correspond with the music, the user can change the playback time to play the entire portion of the movie, paragraph 0072. See figure 15, steps 420-440, paragraphs 0110-0112, the user can override the set movie playback time.) from an initial part thereof(Because the user can adjust the playback time, the user would have the ability to reproduce the moving

image from the beginning(i.e. the initial part).) when reproduction of the moving image is instructed while the part of the moving image is being reproduced(The new settings for movie playback time set by the user in step 430, figure 15, will take effect when reproduction of the moving image is instructed while the part of the moving image is being reproduced, causing the playback(i.e. reproduction) of the entire moving image as set by the user, paragraphs 0110-0115).

Consider claim 8, and as applied to claim 7 above, Miyazaki further teaches that the function subjects to a still image("image") and a moving image("movie") in a storage medium(The image data(i.e. still image and moving image data) is stored in the data storing section(30) which could be "non-volatile memory, a volatile memory, or a memory card of a digital camera", paragraph 0051).

Consider claim 9, and as applied to claim 7 above, Miyazaki further teaches that the function subjects to a still image and a moving image in a group(The images are stored in memory(i.e. one group) or transferred from a personal computer(another group), paragraph 0069).

Consider claim 10, and as applied to claim 7 above, Miyazaki further teaches that said image processing apparatus is an image pickup apparatus("digital camera", paragraphs 0048-0050).

Consider claim 10, and as applied to claim 8 above, Miyazaki further teaches that said image processing apparatus is an image pickup apparatus("digital camera", paragraphs 0048-0050).

Consider claim 10, and as applied to claim 9 above, Miyazaki further teaches that said image processing apparatus is an image pickup apparatus("digital camera", paragraphs 0048-0050).

Consider claim 11, Miyazaki teaches:

An image processing method(paragraphs 0047-0115) comprising the steps of: reproducing automatically a still image("image", paragraph 049) and a part of a moving image("movie", paragraph 0049) at every predetermined reproduction time(The image and movie data are played using the digital camera(paragraph 0053). The images and movie are played back at **predetermined** reproduction times  $T_p1$ ,  $T_m$ , and  $T_p2$  in order to correspond with the music playback time  $T_s$  as shown in figure 5, paragraphs 0064-0066. Sometimes only a **part of a moving image** is played, as set by the movie playback time-adjusting section(230, figure 7) in order to correspond with the music, paragraph 0078-0079.); and

reproducing the moving image(Although the movie playback time-adjusting section(230) sets moving image playback time to correspond with the music, the user can change the playback time to play the entire portion of the movie, paragraph 0072. See figure 15, steps 420-440, paragraphs 0110-0112, the user can override the set

movie playback time.) from an initial part thereof(Because the user can adjust the playback time, the user would have the ability to reproduce the moving image from the beginning(i.e. the initial part).) when reproduction of the moving image is instructed while the part of the moving image is being reproduced(The new settings for movie playback time set by the user in step 430, figure 15, will take effect when reproduction of the moving image is instructed while the part of the moving image is being reproduced, causing the playback(i.e. reproduction) of the entire moving image as set by the user, paragraphs 0110-0115).

Consider claim 12, Miyazaki teaches:

A recording medium recording a program(An MPEG file that would play the still image and moving image presentation is stored in memory, paragraph 0115. The memory(i.e. recording medium) could be “non-volatile memory, a volatile memory, or a memory card of a digital camera”, paragraph 0051.) for executing an image processing method, said image processing method comprising the steps of:

reproducing automatically a still image(“image”, paragraph 049) and a part of a moving image(“movie”, paragraph 0049) at every predetermined reproduction time(The image and movie data are played using the digital camera(paragraph 0053). The images and movie are played back at **predetermined** reproduction times  $T_p1$ ,  $T_m$ , and  $T_p2$  in order to correspond with the music playback time  $T_s$  as shown in figure 5, paragraphs 0064-0066. Sometimes only a **part of a moving image** is played, as set by

the movie playback time-adjusting section(230, figure 7) in order to correspond with the music, paragraph 0078-0079.); and

reproducing the moving image(Although the movie playback time-adjusting section(230) sets moving image playback time to correspond with the music, the user can change the playback time to play the entire portion of the movie, paragraph 0072. See figure 15, steps 420-440, paragraphs 0110-0112, the user can override the set movie playback time.) from an initial part thereof(Because the user can adjust the playback time, the user would have the ability to reproduce the moving image from the beginning(i.e. the initial part).) when reproduction of the moving image is instructed while the part of the moving image is being reproduced(The new settings for movie playback time set by the user in step 430, figure 15, will take effect when reproduction of the moving image is instructed while the part of the moving image is being reproduced, causing the playback(i.e. reproduction) of the entire moving image as set by the user, paragraphs 0110-0115).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571)-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC



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SUPERVISORY PATENT EXAMINER